

**Hanoi Veras**

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**From:** Ford, Rebecca (CIV) [Rebecca.Ford@usdoj.gov]  
**Sent:** Friday, December 14, 2007 8:53 PM  
**To:** Hanoi Veras  
**Cc:** Lavine, Mark (USAFLS)  
**Subject:** Subpoena for Deposition of ASCO Corporate Representative  
**Attachments:** ASCO.PDF

Hanoi,

Attached please find a subpoena that we intend to issue on Monday for the deposition of an ASCO corporate representative. Please let us know whether ASCO will waive official service of the subpoena, or alternatively, if we need to serve the subpoena via a process server.

Please feel free to contact us about scheduling or any other issues you may wish to discuss.

Thank you,

Becky Ford  
Trial Attorney  
U.S. Department of Justice  
Commercial Litigation Branch  
Civil Division, Fraud Section  
601 D Street, N.W.  
PHB - Room 9133  
Washington, DC 20004  
P: (202) 514-1511  
[rebecca.ford@usdoj.gov](mailto:rebecca.ford@usdoj.gov)

2/26/2008

## Hanoi Veras

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**From:** Hanoi Veras  
**Sent:** Monday, December 17, 2007 10:59 AM  
**To:** 'Ford, Rebecca (CIV)'  
**Cc:** Lavine, Mark (USAFLS)  
**Subject:** RE: Subpoena for Deposition of ASCO Corporate Representative

Becky – I need to confer with our client, and then I will get back to you. I will be out of the country from 12/27 – 1/5, so the 12/31 date presents a conflict. –h

Hanoi Veras  
Attorney at Law  
London & Mead  
1225 19th Street, NW  
Suite 320  
Washington, DC 20036  
202-331-3334, fax 202-785-4280

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2/26/2008

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2/26/2008

## Hanoi Veras

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**From:** Ford, Rebecca (CIV) [Rebecca.Ford@usdoj.gov]  
**Sent:** Monday, December 17, 2007 11:32 AM  
**To:** Hanoi Veras  
**Cc:** Lavine, Mark (USAFLS)  
**Subject:** Re: Subpoena for Deposition of ASCO Corporate Representative

Hanoi,

Thank you for your quick response. After you have had a chance to confer with your client, please let us know: (1) whether ASCO will waive formal service of the subpoena, and (2) alternative dates for the deposition.

Thanks,

Becky

----- Original Message -----

From: Hanoi Veras <hveras@londonandmead.com>  
To: Ford, Rebecca (CIV)  
Cc: Lavine, Mark (USAFLS)  
Sent: Mon Dec 17 10:58:49 2007  
Subject: RE: Subpoena for Deposition of ASCO Corporate Representative

Becky - I need to confer with our client, and then I will get back to you. I will be out of the country from 12/27 - 1/5, so the 12/31 date presents a conflict. -h

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From: Ford, Rebecca (CIV) [mailto:Rebecca.Ford@usdoj.gov]  
Sent: Friday, December 14, 2007 8:53 PM  
To: Hanoi Veras  
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WASHINGTON, D.C. 20036

TELEPHONE (202) 331-3334

TELEFAX (202) 785-4280

December 21, 2007

**Via E-mail (to Rebecca.Ford@usdoj.gov &  
Mark.Lavine@usdoj.gov)**

Rebecca A. Ford  
Civil Division, Commercial Litigation Branch  
U.S. Department of Justice  
Patrick Henry Building  
601 D Street, NW  
Washington, DC 20004

Mark A. Lavine  
Assistant United States Attorney  
United States Attorney's Office  
Southern District of Florida  
99 Northeast Fourth Street  
Miami, Florida 33132

**Re: *In re Pharmaceutical Industry Average Wholesale Price Litigation,*  
MDL No. 1456, Civil Action No. 01-12257-PBS**

Dear Ms. Ford and Mr. Lavine:

This letter responds to your e-mail of December 14, regarding a subpoena for the deposition of the American Society of Clinical Oncology ("ASCO") that you intended to issue on December 17. You asked us to waive formal service of the subpoena, and we responded that we needed to confer with our client prior to waiving formal service.

It is our understanding that you have not formally served ASCO with the subpoena. It is also our understanding that Judge Saris entered an Order on December 18, stating in part: "[N]o new discovery requests shall be made after the date of this order with respect to parties or nonparties." As you know, ASCO has complied, and is complying, with the third-party subpoenas you issued to it in connection with the AWP litigation. ASCO has produced over 6,000 documents to date. ASCO has incurred significant expense and burden in complying with the outstanding subpoenas. ASCO's legal bills total approximately \$60,000, a figure that does not include legal fees ASCO has incurred but that we have not billed as of the date of our last invoice (December 3, 2007).

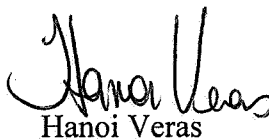
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Ford  
Lavine  
December 21, 2007  
Page 2

The recent Order appears to preclude issuance of this subpoena. Thus, we cannot waive service of the subpoena, and if served, ASCO will move to quash it.

Please note that I will be out of the office December 25-26, 2007, and out of the country from December 27, 2007 to January 5, 2008. If you would like to discuss this matter further during this time, please feel free to contact Christopher Mead in my absence. Many thanks.

Sincerely,



Hanoi Veras